

REMARKS

Claims 1-17 are pending.

Claims 1-17 are finally rejected.

35 USC 102(b)

Claims 1-10 and 13-14 are rejected under 35 USC 102(b) as being anticipated by Langley, US 4753710 or Langley US 4913775.

The Applicant has amended claim 1, from which all the other claims depend to further read:
“wherein the paper stock contains pulp derived at least in part from recycled paper comprising coated waste wherein the coating contains latex”.

Support for this amendment may be found in the second paragraph of Page 8 and Page 2, paragraph 3.

No new matter has been added.

US4753710

The Examiner refers to column 8, lines 8-14 of US '710 which discloses that the “papermaking stock can contain recycled or waste pulp”.

Examples 4, 8 and 9 of US '710 use “broke” in the wood furnish. Example 12 uses “white water” in the furnish.

The Examiner states on page 3 of the latest Office Action that “when the structure recited in the reference is substantially identical to that of the claims, the claimed properties or functions are presumed to be inherent”.

To clarify the meaning of “broke” and “white water”, the Applicants refer the Examiner to a glossary contained in the on-line “Mini-Encyclopedia of Papermaking Wet End Chemistry”

<http://www4.ncsu.edu/unity/users/h/hubbe/www/Glossary.htm>

Broke: Paper trim or reject material from the paper machine or other paper mill operations that is repulped and used again to make paper.

White water: Process water within a paper machine system, especially referring to water that is drained from paper as the sheet is being formed

Note, the terms broke and white water do not imply that the recycled waste is coated nor does it imply that the waste is coated with latex. Thus no pulp is disclosed in Langley which is derived at least in part from recycled paper comprising coated waste wherein the coating contains latex.

It is only this coated waste wherein the coating contains latex which gives rise to white pitch.

“Definitions of Pitch, Stickies and White Pitch”

The Applicants again refer the Examiner to a glossary contained in the on-line "Mini-Encyclopedia of Papermaking Wet End Chemistry"

<http://www4.ncsu.edu/unity/users/h/hubbe/www/Glossary.htm>

Pitch, stickies and white pitch are defined as follows:-

Pitch: Wood extractives, in the context of tacky deposits onto papermaking equipment or spots in the product.

Stickies: Sticky materials in recycled papermaking pulp, often involving pressure sensitive labels.

White Pitch: Deposits on papermaking equipment, a major component of which is **latex binder** from recycled coated paper or coated broke.

White pitch is a pitch like material that has a completely different composition than stickies or regular pitch and is derived from latex and pigments of the coating mixture when applied to coated paper.

Sources for Recycled Waste

Furthermore, recycled paper includes a wide variety of types of "waste paper". Categories included coated and uncoated, and further categorization of coated waste streams into those which contain insolubles and solubles.

The Applicant refers the Examiner to the web link below which explains the types of sources for recycled waste.

<http://www.worldbusinesscenter.com/paper/paper.htm>

As can be seen above in the worldbusinesscenter, recycled waste may or may not contain coated paper. There is no mention in US '710 that the furnish sources used are coated.

The Applicant submits that the structure of the claims is not disclosed by US '710 because US '710 makes no mention of coated waste. The Examiner cannot conjecture that because the disclosure reads "papermaking stock can contain recycled or waste pulp" that the furnish contains coated waste and then further maintain that the coating (which is not suggested in US '710) contains latex.

Conjecture is an improper standard under the statute.

US 4913775

US '775 disclosure reads in column 8, lines 14-20:

The initial stock can be made from any conventional paper making stock such as traditional chemical pulps.....for instance.....recycled pulp such as deinked waste and any mixtures thereof.

Furthermore, column 12, lines 30-35 refers to pitch. This pitch US '775 relates to the high mechanically derived pulps and or deinked pulps. This pitch is as defined above as "wood extractives", quite different than "white pitch" which is synthetically derived and is found in coated waste containing latex. Column 13, lines 13-23 also refers again to "pitch". The Applicants point out that this is distinguished from "white pitch".

Examples 1, 2, 3 dilute furnish with "white water". Examples 4, 5, 9, 15 and 20 dilute the furnish with and "broke". Example 19 is said to have a high pitch count. This furnish is derived from high mechanical fiber content (50:50 groundwood). This is naturally derived "pitch" very different than "white pitch".

Note, no pulp is derived or suggested from coated recycled paper in the Langleys.

The Applicant submits that the structure of the claims is not disclosed by US '775 because US '775 makes no mention of pulp derived at least in part from recycled paper **comprising coated waste wherein the coating contains latex** . Thus the method for reducing white pitch is novel.

Claims 1-8, 10-11 and 13-14 are rejected under 35 USC 102(b) as being anticipated by Humphreys et al, US 6103065.

Humphreys discloses (column 6, lines 60-65) that papermaking systems have high levels of contaminants in the water circuit. These contaminants are typically anionic materials in either a colloidal state, or in solution. Some examples include wood resin, deposit control agents, pulping, bleaching or deinking chemicals, waste paper contaminants.

Furthermore, the examples of Humphreys use a recycled coated paper. See column 7, line 33-35.

As mentioned above, pulp derived at least partially from recycled paper may be coated or uncoated. Only pulp derived from recycled paper **comprising coated waste wherein the coating contains latex** gives rise to "white pitch". See definitions above.

To assume that the coated recycled waste disclosed in Humphreys contains coatings which contain latex is conjecture, an improper standard for anticipation.

Consequently, as US 6103065 makes no disclosure of a paper stock containing pulp that has been derived at least in part from recycled paper comprising coated waste wherein the coating contains latex which would give rise to white pitch, there is no disclosure of a method of reducing levels of white pitch. Therefore, claim 1 as amended is novel over the disclosure of the Langley's and US 6103065.

35 USC (a)

35 USC 103(a) Claims 15-17 are rejected under 35 USC 103(a) as being unpatentable over the Langleys (US '710 and US '775).

There is no suggestion in the Langley's to use furnish containing white pitch or derived at least in part from recycled paper comprising coated waste wherein the coating contains latex as argued above. Thus the references cannot make obvious reducing levels of white pitch.

Claim 12 is rejected under 35 USC 103(a) as being unpatentable over the Langleys and US 5262570.

The Langelys as argued above are deficient in that there is no suggestion for using pulp derived from recycled paper comprising coated waste wherein the coating contains latex. US 5262570 does not make up for this deficiency.

Response to Arguments

The Examiner cites Shields and Linehardt to allege that white pitch is inherently present in a papermaking process that makes use of recycled waste paper. Furthermore, the Examiner points to the Applicants own disclosure which reads "waste paper includes coated waste, which... gives rise to white pitch".

The Applicants disagree. The Applicants disclose that waste paper may be coated. See page 1, last paragraph. Furthermore, only certain kinds of coatings give rise to white pitch. These are coatings which contain binders or latex. See page 2, second paragraph. The present disclosure does not suggest that all recycled paper is coated. Nor does it suggest that all coated recycled paper contains latex which in turn produces white pitch in the pulping process.

Shields alleges that stickies or tackies or particles which are typically present to some degree in pulp produced from recycled paper. Stickies or tackies are not "white pitch". As explained above, Stickies (derived from pressure sensitive adhesives) are different than white pitch which is derived from coated recycled paper which coating contains latex.

Linehart reads:

Owing to the reuse of fibers from waste paper for the production of paper, board and cardboard, tacky impurities i.e. stickies and white pitch....enter the water circulation of paper machines and thus cause production problems.

The Examiner appears to be interpreting the above phrase to mean that reuse of fibers from waste paper for the production of paper will contain white pitch.

As argued above and shown in the various paper technology websites recycled waste may be coated or uncoated-recycled waste does not mean coated waste paper. This is confirmed in the Applicants

disclosure at the bottom of page 1 which reads "The waste paper, which is coated, is referred to as coated waste paper." This is also confirmed on the <http://www.worldbusinesscenter.com/paper/paper.htm> website. There are many different kinds of coated recycled paper. Some of these paper recycling waste streams contain insoluble coatings while others may contain only soluble coatings. Not all coated recycled waste contains latex.

Anticipation cannot be founded on probabilities.

Furthermore, the Applicants respectfully submit that the Examiner's arguments based on the Langleys and Humphreys in view of Shields and Linhart are conjecture and not a proper standard for anticipation.

Reconsideration and withdrawal of the rejection of claims 1-17 is respectfully solicited in light of the remarks and amendments *supra*.

Since there are no other grounds of objection or rejection, passage of this application to issue with claims 1-17 is earnestly solicited.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



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